

GOTTESMAN, WOLGEL, MALAMY, FLYNN & WEINBERG, P.C.

A Professional Corporation Incorporated in the State of New York

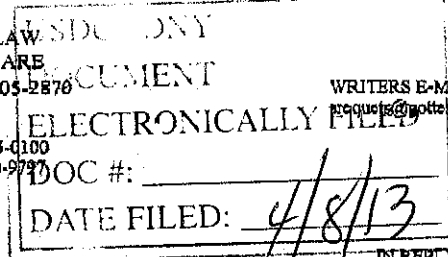
SAMUEL GOTTESMAN (1903-1974)
 HAROLD H. WOLGEL (1920-2010)
 KENNETH W. MALAMY
 LAWRENCE L. FLYNN
 STEVEN WEINBERG
 STEWART W. LEE

ATTORNEYS AT LAW
 11 HANOVER SQUARE
 NEW YORK, N.Y. 10005-2876

TELEPHONE (212) 493-0100
 FACSIMILE (212) 480-9797

RICHARD B. DEMAS
 SUSANNA REQUETS
 KELSEY BILODEAU

Also Admitted in New Jersey



WRITERS E-MAIL:
 requets@gottesmanlaw.com

IN REPLY REFER TO

14561

April 5, 2013

Application Granted / Denied
 So Ordered.

Cathy Seibel
 Cathy Seibel, U.S.D.J.

Dated: 4/8/13

VIA FACSIMILE 914-390-4278

Judge Cathy Seibel
 The Federal Building and
 United States Courthouse
 300 Quarropas Street
 White Plains, NY 10601-4150

Re: In Re: Fundex Capital Corporation
 Index No. 09 CV 9222 (CS)

Dear Judge Seibel:

Our office represents the United States Small Business Administration as Receiver for Fundex Capital Corp. (the "Receiver"). This Court's Order issued November 23, 2009 ("Receivership Order") contained injunctive relief provisions that stayed any legal proceedings with respect to assets of Fundex Capital Corp. We are writing this letter to request waiver of the pre-motion conference and for permission to move to modify the stay to permit the filing of a motion to review and approve the Second Receiver's Report for the period commencing November 1, 2011 through October 31, 2012.

Any requirement for a pre-motion conference should be waived since the motion to review and approve the Second Receiver's Report for the period commencing November 1, 2011 through October 31, 2012 is procedural and administrative in nature.

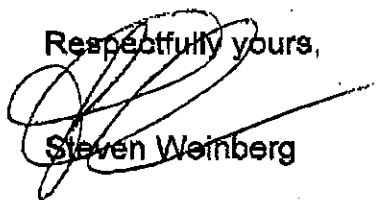
The Receiver has sent a courtesy copy of this letter to the former President of Fundex. There are no other parties who have appeared in this receivership proceeding.

If the application is acceptable to this Court to waive the pre-motion conference, we respectfully request that Your Honor advise as soon as possible so that we may serve the instant motion.

We remain available to answer any inquiry this Court may have. Thank you for your time and consideration.

Judge Cathy Selbel
April 5, 2013
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Respectfully yours,

A handwritten signature in black ink, appearing to read "Steven Weinberg", is written over the typed name.

Steven Weinberg

SW:lw

cc: Lawrence I. Linksman
Former President
Fundex Capital Corp.
535 Fifth Avenue-26th Floor
New York, NY 10017

GOTTESMAN, WOLGEL, MALAMY, FLYNN & WEINBERG, P.C.

A Professional Corporation Incorporated in the State of New York

Attorneys at Law

11 Hanover Square

New York, NY 10005

(212) 495-0100

GWMF&W FACSIMILE NO. (212) 480-9797

COVER SHEET FOR FACSIMILE TRANSMISSION

FILE NO. 14561

CLIENT/MATTER:

MESSAGE FROM: Steven Weinberg

DATE: 4/5/13

TIME: 4:33pm

TOTAL NO. OF PAGES (INCLUDING COVER SHEET): 3

REMARKS

TO THE FOLLOWING:

**Judge Cathy Selbei
The Federal Building and
United States Courthouse**

FAX NO.:

914-390-4278

A COPY OF THIS TRANSMISSION WILL BE FORWARDED BY FIRST CLASS MAIL.

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